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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,630	02/23/2004	Glyn Parry	RED-68	8404
20311 7590 11/08/2007 LUCAS & MERCANTI, LLP 475 PARK AVENUE SOUTH 15TH FLOOR NEW YORK, NY 10016			EXAMINER ALBERTALLI, BRIAN LOUIS	
			ART UNIT 2626	PAPER NUMBER
			MAIL DATE 11/08/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/784,630

Applicant(s)

PARRY ET AL.

Examiner

Brian L. Albertalli

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Objections

Claim 15 is objected to because of the following informalities:

Claims are required to begin with a capital letter and end with a period. Periods may not be used elsewhere in the claims except for abbreviations. Claim 15 ends each step with a period.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 13 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 13 is directed to "A computer program..." Computer programs are not statutory subject matter because they do not fall within one of the four categories of invention. That is a computer program is not a process, machine, manufacture, or composition of matter, and thus is non-statutory.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regard to claim 3, several syntax arrangements are identified. However, from the wording of the claim, it cannot be determined whether the listing of syntax arrangements was intended to be worded in the alternative or whether every syntax arrangement listed is required to meet the claim language. Since the scope of the claim cannot be determined, the claim is indefinite.

For the purposes of examination, the most reasonably broad interpretation will be used herein, i.e. that the listed syntax arrangements are claimed in the alternative.

Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims rejected under 35 U.S.C. 102(b) as being anticipated by Arnold et al.
(U.S. Patent 5,781,879).

In regard to claims 1, 13, and 14, Arnold et al. disclose a computer, computer program, and medium provided with a word processing program (column 1, lines 57-59) comprising a syntax evaluation and amendment means adapted to identify predetermined syntax arrangements in inputted text (a selection of text is evaluated to determine the semantic impact of the text, Fig. 2, Phase 2 and column 4, lines 51-59), and to provide alternative syntax arrangements for the inputted text (terms are rearranged in a modification stage, Fig. 3, Phase 3 and column 4, line 60 to column 5, line 3), characterised in that the inputted text is intended to advertise, promote or market goods or services (column 2, lines 21-26 and column 6, lines 41-43), and the alternative syntax arrangements are adapted to enhance the capability of the inputted text to promote said goods or services (the modification of the input enhances the semantic impact of the advertisement, column 2, lines 21-29 and column 6, lines 41-43).

In regard to claim 2, Arnold et al. disclose the syntax evaluation and amendment means is further adapted to identify predetermined characteristics of words or phrases in inputted sentences (in Phase 2, words are compared to a lexicon containing predetermined values of semantic impact, column 4, lines 51-59), and to provide words or phrases with alternative predetermined characteristics (more desirable elements are provided from the lexicon to enhance the lexical impact of the document, column 4, line 60 to column 5, line 3).

In regard to claim 3, Arnold et al. disclose the syntax evaluation and amendment means is adapted to identify various syntax arrangements and characteristics of words or phrases such as Kinisthetic words (active words, column 4, line 60 to column 5, line 3).

In regard to claim 15, Arnold et al. disclose a method of amending text intended to advertise or market goods or services including the steps:

1) Identifying predetermined syntax arrangements in the text (a selection of text is evaluated to determine the semantic impact of the text, Fig. 2, Phase 2 and column 4, lines 51-59)

2) Providing alternative syntax arrangements adapted to enhance the capability of the text to promote said goods or services (terms are rearranged in a modification stage, Fig. 3, Phase 3 and column 4, line 60 to column 5, line 3; the modification of the input enhances the semantic impact of the advertisement, column 2, lines 21-29 and column 6, lines 41-43).

In regard to claim 16, Arnold et al. disclose computer provided with a word processing program according to claim 1 is used to implement steps 1) and 2) (column 1, lines 57-59 and column 2, lines 35-40).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Volcani et al. (U.S. Patent 7,136,877) disclose an additional system for modifying the lexical impact of text. Fan (U.S. Patent 4,930,077) disclose a system that predicts the public opinion of an advertisement. Brown et al. (U.S. Patent 7,137,070) disclose a system that determines the reaction of a reader to text. Chase (U.S. Patent 6,418,435) disclose a system that quantifies the impact of text. Carus et al. (U.S. Patent 5,794,117) disclose a system that adjusts words in a text to increase impact while remaining in a particular paradigm.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian L. Albertalli whose telephone number is (571) 272-7616. The examiner can normally be reached on Mon - Fri, 8:00 AM - 5:30 PM, every second Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2626

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BLA 10/31/07


DAVID HUDSPETH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER